The question was propsoed.

THE DEPUTY CHAIRMAN: Does anybody wants to speak?

SHRI RAM JETHMALANI:The standing Committee has cleared it. Previously, it was passed.

SHRI M. VENKAIAH NAIDU (Karnataka): It was discussed in the Standing Committee, earlier, it was passed by the House.

SHRI H. HANUMANTHAPPA(Karnataka): Madam, this bill was thoroughly discussed in the Standidng Committee and then it was recommended to the House. That is the benefit of having Standing Committees.

THE DEPUTY CHAIRMAN: I will put the Bill to vote. the question is:

"That the Bill further to amend the Administrative-General Act, 1963, be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill.

Clause 2 was added to the Bill.

Clause1, the Enacting formula and the Title were added to the Bill.

SHRI RAM JETHMALANI: Madam, I move:

"That the Bill be passed."

The question was put and the motion was passed.

THE TRADE MARKS BILL, 1999

THE DEPUTY CHAIRMAN: Now, we have the Supplementary List of Business. Dr. Raman is here to move the Trade Marks Bill, 1999 for introduction. ...*(Interruptions)*:...

SHRI JIBON ROY (West Bengal): Madam, I have some objections.

THE DEPUTY CHAIRMAN: Let him say something. He has come to take the permission of the House to introduce the Bill. Let him first move.

After the Minister moves, you can make your objections.

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (DR.RAMAN): Madam Deputy Speaker,....

उपसभापति : आप लोक सभा से हैं इसलिए थोड़ा टाइम लगेगा।

DR. RAMAN: Madam Deputy Chairman, on behalf of Shri Murasoli Maran, I beg to move for leave to introduce a Bill to amend and consolidate the law relating to Trade Marks to provide for registration and better protection of Trade Marks for goods and for services and for the prevention of the use of fraudulent marks.

The question was proposed.

उपसभापति : मोशन उन्होंने मूव किया है अब आप बताइए।

SHRI JIBON ROY: Firstly, the bill is a very big Bill. It is circulated today. Members are not allowed to go through the Bill.

THE DEPUTY CHAIRMAN: But we are not considering the Bill.

SHRI JIBON ROY: Nobody knows what is there. Despite that, I have some technical objections too. I could have a glance of the Bill. If you look at the first page, it seems it is a new Bill. But in the last page, you will find that it is mentioned "to amend and consolidate the law relating to trade marks, to provide for registration and better protection of trade marks.." What law are they going to consolidate? What law are they going to change? That is not mentioned. If it is to amend an earlier law, they have to mention that law; they have to mention what provisions they want to amend. That is not mentioned. It is highly objectionable.

Madam, in fact, they are replacing a Bill. I am helping the Minister. They are replacing a Bill. In the Standing Committee, the officials have mentioned that they are replacing the Trade Marks and Merchandise Act, 1958. That must be mentioned here.

More objections are there, Madam. No objective is mentioned. For what purpose are they bringing this Bill? No Statement of Objects is there.

4.00P.M.

THE DEPUTY CHAIRMAN: If my wisdom goes anywhere, when you read the Trade Marks Bill, 1999, you have it there on the first page. It says, "to amend and consolidate.. .".

SHRI JIBON ROY: Amend what provision? Trade marks come under the Trade Marks and Merchandise Act, 1958; Trade Marks come under the Companies Act; trade marks come under the Patents Act also. What are the provisions they want to consolidate?

SHRI RAM JETHMALANI: Madam, may I explain? Then he would not persist with his objections.... (Interruptions...). Madam, let me explain to the hon. Member. ...*(Interruptions)*.....

SHRI JIBON ROY: I know this is a Bill replacing certain provisions. I am raising certain technicalities.

SHRI RAM JETHMALANI: I am trying to explain that your 'technicality' has no substance.

THE DEPUTY CHAIRMAN: Page 53 of the Bill gives the Objects and Reasons why this Bill is being brought. A lot of things happened since we had the WTO. The Trade Marks Bill went to a Rajya Sabha Committee. It was discussed. And if Mr. Jethmalani wants to add something, he is welcome to do so.

SHRI RAM JETHMALANI : Madam, all that I want to say to the hon. Member, of course, through you, is that this is a law which is slightly an unusual law, because it amends and consolidates the entire law relating to Trade Marks in whichever earlier statutes it is to be found. Therefore, this is an amending and consolidating statute. You see a Bill to amend and consolidate is always in the form of a new Bill, and the whole law is now contained here. All previous laws will cease to exist in whatever statutes this may have existed before. Here is the Statement of Objects and Reasons. Kindly read it. It is there at page 53. I agree that it is a long document. But it is very much there.

THE DEPUTY CHAIRMAN: Mr. Jibon Roy, you yourself admitted on the floor of the House that there are different laws for different things existing in our country. Now, this consolidated Bill is going to bring them all under one head, and if you read, as I understand it, it will change all the

others. This is a Bill to amend and consolidate the law relating to Trade Marks, whichever Trade Marks law is there ...*(Interruptions)*...

SHRI RAM JETHMALANI: We are not considering it today. You apply your mind.

उपसभापति : आप पढ़ लीजिएगा और जब कंसीडरेशन के लिए आएगा तब बोलिएगा ।

श्री जीवन राय : आज ही इतना बड़ा बिल क्यों सर्कुलेट किया ?

उपसभापति : तो आज थोड़े ही इसे कंसीडर कर रहे हैं ।

SHRI RAM JETHMALANI: I apologise for that. But kindly withdraw your objections.

THE DEPUTY CHAIRMAN: Shri Jibon Roy, whether a Bill is big or small, some day it has to be brought before the House. He is only introducing it today. I would like to inform you that we are not taking up the Bill today. How could you expect us to be so inefficient to allow you to read such a Bill and start discussing it within two minutes? We can't be so untrained. You take it home, read it, and when it comes up for consideration, you come and raise your objections. Now, I will put the question.

Now the question is:

That leave be granted to introduce a Bill to amend and consolidate the law relating to Trade Marks, to provide for registration and better protection of Trade Marks for goods and services and for the prevention of the use of fradulent marks.

The motion was adopted.

DR.RAMAN: Madam, I introduce the Bill.

STATEMENT BY MINISTER

Imposition of Customs Duty on Wheat

वित्त मंत्रालय में राज्य मंत्री **(श्री बालासाहेब विखे पाटील)** : मैडम, मैं गेहूं पर कस्टम ड्यूटी के बारे में एक वक्तव्य पढ़ना चाहता हूं ।